



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/855,342	05/14/2001	Michael A. Caligiuri	35784/209112 (5784-50)

000826  
 ALSTON & BIRD LLP  
 BANK OF AMERICA PLAZA  
 101 SOUTH TRYON STREET, SUITE 4000  
 CHARLOTTE, NC 28280-4000

CONFIRMATION NO. 8842  
 FORMALITIES LETTER



\*OC000000006288079\*

Date Mailed: 07/12/2001

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

**FILED UNDER 37 CFR 1.53(b)**

***Filing Date Granted***

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

*A copy of this notice **MUST** be returned with the reply.*

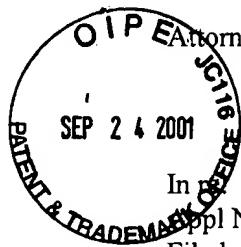
Customer Service Center  
 Initial Patent Examination Division (703) 308-1202

*Frank*  
 PART 2 - COPY TO BE RETURNED WITH RESPONSE

09/26/2001 MBELETE1 00000103 09855342

01 FC:105

130.00 DP



Attorney's Docket No. 35784/209112 (5784-50)

*#3*  
sector  
PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:  
Appl No.:  
Filed:  
For:

Caligiuri *et al.*  
09/855,342  
May 14, 2001  
METHODS OF THERAPY FOR CANCERS CHARACTERIZED  
BY OVEREXPRESSION OF THE HER2 RECEPTOR PROTEIN

Confirmation No.: 8842

Box Missing Parts  
Commissioner for Patents  
Washington, DC 20231

September 20, 2001

### RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

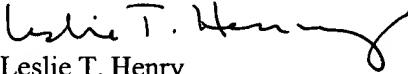
Sir:

In response to the Notice to File Missing Parts of Application dated July 12, 2001, enclosed are the following:

- Part 2 of Formalities Letter or Form PTO-1533  
(Notice to File Missing Parts of Application)
- Declaration, which has been executed by the named inventors; Power of Attorney from ARCH Development Corporation; Power of Attorney from Health Research, Inc.; Certificate Under 37 C.F.R. §3.73(b); and copies of Assignments from inventors of priority document, U.S. Provisional Application Serial No. 60/204,284, filed May 15, 2000.
- Applicant claims small entity status
- Check in the amount of \$240.00 to cover: \$130.00 surcharge under 37 C.F.R. § 1.16(e) and \$110.00 1-mo. extension of time fee
- English Translation and \$130.00 (37 CFR 1.17(k)) fee for filing late.
- Other: Petition and Fee for Extension of Time

Any additional fee or credit may be charged to our Deposit Account No. 16-0605.

Respectfully submitted,

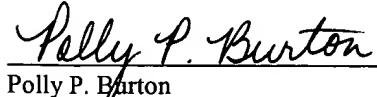
  
Leslie T. Henry  
Registration No. 45,714

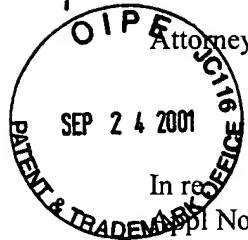
Customer No. 00826

ALSTON & BIRD LLP  
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101 South Tryon Street, Suite 4000  
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### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, DC 20231, on September 20, 2001.

  
Polly P. Burton



Attorney's Docket No. 35784/209112 (5784-50)

PATENT

SEP 24 2001

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re:  
Appl No.:  
Filed:  
For:

Caligiuri *et al.*  
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Washington, DC 20231

**SUBMITTAL OF DECLARATION  
UNDER 37 C.F.R. § 1.63**

Sir:

Enclosed is a Declaration and Power of Attorney for the above-identified patent application that has been executed by the named inventors.

A check in the amount of \$130 is also enclosed to cover the surcharge under 37 C.F.R. § 1.16(e). Any additional fee or credit may be charged to our Deposit Account No. 16-0605.

Respectfully submitted,

*Leslie T. Henry*

Leslie T. Henry  
Registration No. 45,714

**Customer No. 00826**  
**ALSTON & BIRD LLP**  
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101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Raleigh Office (919) 420-2200  
Fax Raleigh Office (919) 420-2260

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: **Box Missing Parts, Commissioner For Patents, Washington, DC 20231**, on September 20, 2001.

*Polly P. Burton*

Polly P. Burton